

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NORMAN CADMUS,	:	1:16-cv-1718
	:	
Petitioner,	:	
v.	:	Hon. John E. Jones III
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA,	:	Hon. Martin C. Carlson
	:	
Respondent.	:	

**ORDER**

**August 31, 2016**

**AND NOW**, upon consideration of the Report and Recommendation (Doc. 3) of Chief United States Magistrate Judge Martin C. Carlson recommending that the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 be dismissed inasmuch as it is blatantly untimely, having been filed 14 years after the 2002 Cumberland County conviction for drug charges Cadmus seeks to attack, and moreover, recognizing that Cadmus is no longer serving the sentence for this conviction, and noting that Petitioner has not filed objections<sup>1</sup> to the report and that there is and that there is no clear error on the record,<sup>2</sup> *see Nara v. Frank*, 488 F.3d

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<sup>1</sup> Cadmus has filed to Motions to Amend (Docs. 2 and 4), however, these submissions raise no availing basis upon which to permit Cadmus to amend his facially deficient petition.

<sup>2</sup> When parties fail to file timely objections to a magistrate judge's report and recommendation, the Federal Magistrates Act does not require a district court to review the report before accepting it. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). As a matter of good practice, however, the Third Circuit expects courts to "afford some level of review to dispositive legal issues raised by the

187, 194 (3d Cir. 2007) (explaining that “failing to timely object to [a report and recommendation] in a civil proceeding may result in forfeiture of *de novo* review at the district court level”) and the Court finding Judge Carlson’s analysis to be thorough, well-reasoned, and fully supported by the record **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (Doc. 3) of Magistrate Judge Carlson is **ADOPTED** in its entirety.
2. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED** and no certificate of appealability shall issue.
3. Petitioner’s Motions to Amend (Docs. 2 and 4) are **DENIED**.
4. The Clerk of Court is directed to **CLOSE** the file on this case.

s/ John E. Jones III  
John E. Jones III  
United States District Judge

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report.” *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). The advisory committee notes to Rule 72(b) of the Federal Rules of Civil Procedure indicate that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b), advisory committee notes; *see also Henderson*, 812 F.2d at 878-79 (stating that “the failure of a party to object to a magistrate’s legal conclusions may result in the loss of the right to de novo review in the district court”); *Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) (holding that the court’s review is conducted under the “plain error” standard); *Cruz v. Chater*, 990 F. Supp. 375-78 (M.D. Pa. 1998) (holding that the court’s review is limited to ascertaining whether there is “clear error on the face of the record”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (holding that the court will review the report and recommendation for “clear error”). The Court has reviewed the magistrate judge’s report and recommendation in accordance with this Third Circuit directive.